

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re: Kittery Point Partners, LLC, Debtor	Chapter 11 Case No. 17-20316
Kittery Point Partners, LLC, Plaintiff v. Bayview Loan Servicing LLC & Todd Enright, Defendants	Adv. Proc. No. 17-2065

ORDER GRANTING MOTION TO ALTER OR AMEND JUDGMENT

Kittery Point Partners, LLC filed a Motion to Alter or Amend Judgment. [Dkt. No. 49.] The Court conducted a hearing on that motion on April 2, 2018.

Kittery Point's motion is granted on the terms set forth in this order. Under Fed. R. Civ. P. 59 and 60, the Court hereby amends its order dated March 9, 2018 [Dkt. No. 42] (the "March 9 Order"), with respect to Count I of Kittery Point's complaint. Count I is not dismissed under the doctrine of claim preclusion. In all other respects, the March 9 Order remains unaltered and fully effective according to its terms.

This order is without prejudice to Bayview Loan Servicing LLC's right, following the entry of a final judgment in the state court action, to either seek dismissal of Count I of the Second Amended Complaint on the grounds of *res judicata* or to request abstention under 28

U.S.C. § 1334(c) or otherwise. Kittery Point's rights to oppose any such request, if made, are also preserved.

Date: April 2, 2018



Michael A. Fagone
United States Bankruptcy Judge
District of Maine